

SENATE No. 24

The Commonwealth of Massachusetts

PRESENTED BY:

Brian A. Joyce

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

PROPOSAL FOR A LEGISLATIVE AMENDMENT TO THE CONSTITUTION PROVIDING FOR THE ABOLITION OF THE GOVERNOR'S COUNCIL.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|----------------|--------------------------------|
| Brian A. Joyce | Norfolk, Bristol and Plymouth |
| Scott P. Brown | Norfolk, Bristol and Middlesex |
| Kay Khan | 11th Middlesex |

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

PROPOSAL for a legislative amendment to the Constitution providing for the abolition of the Governor's Council.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

1 ART. *Section 1.* Article IV of section I of chapter I of Part the Second of the
2 Constitution is hereby amended by striking out the words “with the advice and consent of the
3 council”.

4 *Section 2.* Article II of section II of said chapter I is hereby amended by striking out in
5 the first paragraph the words “and councillors” and the words “councillors and” wherever they
6 appear in the third paragraph.

7 *Section 3.* Article III of section II of said chapter I is hereby amended by striking out the
8 words “with five of the council”.

9 *Section 4.* Article XI of section III of said chapter I is hereby amended by striking out the
10 words “and council,” and the word “council,” wherever they appear.

11 *Section 5.* Article IV of section I of chapter II of the Second Part of the Constitution is
12 hereby annulled.

13 *Section 6.* Article V of said section I of said chapter II is hereby amended by striking out
14 the words “with advice of the council”.

15 *Section 7.* Article VI of said section I of said chapter II is hereby amended by striking out
16 the words “with advice of the council”.

17 *Section 8.* Article VIII of said section I of said chapter II is hereby annulled and the
18 following article is adopted in place thereof:—

19 *Article VIII.* The power of pardoning offences, except such as persons may be convicted
20 of before the senate by an impeachment of the house, shall be in the governor; provided, that if
21 the offence is a felony the General Court shall have the power to prescribe the terms and
22 conditions upon which a pardon may be granted; but no charter of pardon, granted by the
23 [governor] before conviction, shall avail the party pleading the same, notwithstanding any
24 general or particular expressions contained therein, descriptive of the offence or offences
25 intended to be pardoned. The Governor shall annually communicate to the General Court the
26 name of each person pardoned, the crime and date of conviction, and the date of the pardon.

27 *Section 9.* Article IX of said section I of said chapter II is hereby amended by striking out
28 the word “council” and inserting in place thereof the following word:- senate.

29 *Section 10.* Article XI of said section I of said chapter II is hereby amended by striking
30 out the words “,with the advice and consent of the council,”.

31 *Section 11.* Article II of section II of said chapter II is hereby annulled.

32 *Section 12.* Articles I to V, inclusive, of section III of said chapter II are hereby annulled.

33 *Section 13.* Article II of section IV of said chapter II is hereby amended by striking out
34 the words “and council”.

35 *Section 14.* Article I of chapter III of Part the Second of the Constitution is hereby
36 amended by striking out the words “, with the consent of the council,”, the first time they appear.

37 *Section 15.* Said article I of said chapter III is hereby further amended by striking out the
38 word “council”, the second time it appears, and inserting in place thereof the following word:-
39 senate.

40 *Section 16.* Article II of said chapter III is hereby amended by striking out the words “or
41 the council”.

42 *Section 17.* Article V of said chapter III is hereby annulled.

43 *Section 18.* Article I of chapter VI of Part the Second of the Constitution is hereby
44 amended by striking out the last paragraph and inserting in place thereof the following
45 paragraph:— And the said oaths or affirmations shall be taken and subscribed by the governor
46 and lieutenant governor , before the president of the senate, in the presence of the two houses of
47 assembly; and by senators and representatives first elected under this constitution, before the
48 president and five of the council of the former constitution; and forever afterwards before the
49 governor for the time being; and by the residue of the officers aforesaid, before such persons and
50 in such manner as from time to time shall be prescribed by the legislature.

51 *Section 19.* Article II of said chapter VI is hereby amended by striking out in the second
52 paragraph the words “or the governor and council”.

53 *Section 20.* Said article II of said chapter VI is hereby further amended by striking out the
54 fourth paragraph.

55 *Section 21.* Said article II of said chapter VI is hereby further amended by striking out the
56 words “with the advice and consent of the council”.

57 *Section 22.* Article VII of the Amendments to the Constitution is hereby amended by
58 striking out the word “councillors,”.

59 *Section 23.* Article VIII of said Amendments is hereby amended by striking out the words
60 “,lieutenant governor, or councillor” and inserting in place thereof the words:— or lieutenant
61 governor.

62 *Section 24.* Article XIII of said Amendments is hereby amended by striking out in the last
63 sentence the words “or in the executive council”.

64 *Section 25.* Article XVI of said Amendments is hereby annulled and the following article
65 is adopted in place thereof:—

66 *Article XVI.* That there may be no delay in the organization of the government on the first
67 Wednesday of January, the governor shall, as soon as may be, examine the returned copies of
68 the records for the election of governor and lieutenant governor; and ten days before the said first
69 Wednesday in January he shall issue his summons to such persons as appear to be chosen, to
70 attend on that day to be qualified accordingly; and the secretary shall lay the returns before the
71 senate and house of representatives on the said first Wednesday in January, to be by them
72 examined; and in the case of the election of either of said officers, the choice shall be by them
73 declared and published; but in case there shall be no election of either of said officers, the

74 legislature shall proceed to fill such vacancies in the manner provided in the Constitution for the
75 choice of such officers.

76 *Section 26.* Article XVII of said Amendments is hereby amended by striking out the
77 words “with the advice and consent of the council”.

78 *Section 27.* Article XXV of said Amendments is hereby annulled.

79 *Section 28.* Article XXXVII of said Amendments is hereby amended by striking out the
80 words “,with consent of the council”.

81 *Section 29.* The first sentence of section 1 of article LXIV, as appearing in article LXXX,
82 of said Amendments is hereby amended by striking out the words “councillors”.

83 *Section 30.* Said section 1 of said article LXIV, as so appearing, is hereby further
84 amended by striking out the sixth sentence.

85 *Section 31.* The first sentence of section 2 of article CI, as appearing in section 2 of
86 article CXIX, of said Amendments is hereby amended by striking out the words “and also the
87 councillor districts”.

88 *Section 32.* The last sentence of said section 2 of said article CI is hereby amended by
89 striking out the words “and councillors”.

90 *Section 33.* Section 3 of said article CI is hereby amended by striking out the word “,
91 councillor”.

92 *Section 34.* All of the provisions of the constitution and amendments inconsistent with the
93 provisions of these Amendments are hereby annulled.

Section 35. The provisions of this law will take effect on the 7th day of January, 2015.